

**Town of Milton
Planning and Zoning Commission
Minutes
April 19, 2005**

Members Present:

**Linda Rogers
Herb Dutt**

**Dean Sherman
Eric Evans**

**Denny Hughes
Bob Kerr**

**Mike Filicko
Tim Willard**

Planning and Zoning held a public hearing on the following:

1. *An application from Frank Hunnicutt for the annexation of Sussex County Tax Map 2-35-14.15 Parcel 3.00 located at 202 Milton-Ellendale Highway. The property is currently zoned in Sussex County and is requesting to be zoned to R-1 (Single-Family Residential) in the Town of Milton.*

Linda Rogers introduced the application and asked if anyone was present representing the application. Mr. Frank Hunnicutt stated he was the applicant and representing the application. Mrs. Rogers asked Mr. Hunnicutt to explain the application. Mr. Hunnicutt stated he was applying for annexation due to his failing septic system. Mr. Hunnicutt stated he needs to repair his bathroom floor due to the back-ups but is waiting for annexation prior to repairing the floor.

Dean Sherman asked if it was contiguous when it crosses the road.

Eric Evans stated the property is contiguous with the Town.

Mike Filicko Asked how far the sewer line ran.

Dean Sherman stated it goes out to Wyoming Millworks but was located on the other side of 16.

Mr. Hunnicutt stated Jim Pride his neighbor previously hooked up to the Town during his annexation.

Eric Evans stated Mr. Hunnicutt still needed to fill out the annexation agreement with the Town Manager.

Dean Sherman motioned to recommend annexation of the property with the R-1 zoning and forward the applicant to the Town Manager to complete the annexation agreement.

Mike Filicko Seconded the Motion

All voted in favor of the motion.

2. *An application from Mildred Giovannozzi for the annexation of Sussex County Tax Map 2-35-14.11 Parcel 14.00 located at 14242 Union Street. The property is currently zoned in Sussex County and is requesting to be zoned to R-3 (General and Multi-Family Residential) in the Town of Milton.*

Linda Rogers introduced the application and asked if anyone was present representing the application. Mike Dill stated he was with DSP Design Services and stated they have met with the Town on several of occasions. Mr. Dill stated they are seeking annexation into the Town with the R-3 Zoning for a couple reasons. One it would give us a diversity to pick a couple different designs for the houses also with the odd formation of the lot is gives us flexibility on design. Mr. Dill stated by code with the zoning of R-3 it would give us the opportunity to build 45 lots we only have 27 lots. The conceptual plan before you is conceptual but presented to show the layout of the property. There is a buffer

being presented along Route 5, 212A and 212B and the storm water pond has been located in the middle to make it an amenity.

Denny Hughes asked what was located along the property. Mr. Dill showed him where there were two residences located beside this property. Mr. Dill stated there was no buffer placed around the open space or between the adjoining property owners.

Linda Rogers asked about the 25' setback and Mr. Dill stated the 25' setback was part of the property for the end unit.

Linda Rogers asked if anyone was present to speak on behalf of the application. No response.

Mr. Rogers then asked if anyone was present to speak in opposition of the application.

Cindy Bunting a property owner on 212B stated she opposed to the R-3 zoning. There is no multifamily housing in the area we are not opposed to single family housing in the area but we are opposed to multifamily. We already have an increase in noise and crime in the area with food lion that close we don't need that additional increase in the area.

Linda Scott who's grandmother also lives on 212B asked. How many lots could you build? Mr. Dill stated the code permits 45 lots. Mrs. Scott asked if they were going to use the full 45 lots or what was shown with expansion later? Mr. Dill stated what was shown was the maximum. Mrs. Scott asked what the sewer capacity was in the Town and was there capacity for this subdivision? Linda Rogers stated at this time no. Eric Evans stated that the applicants were made aware that there is no sewer availability at this time and if they went through the process to annex and was approved that they would have to wait until sewer became available. Mrs. Scott asked if there was a date for availability. Mr. Evans stated he did not have a date. Mrs. Scott asked, if the properties along 212B or 212A will have to hook into the sewer system if it is run along their property. Mr. Evans stated he could not answer that question one-way or the other. He stated that he believed the way the current charter reads is the town does not go out and ask for properties to be annexed into the town. If you do not request to come into town then you would not be requested to come onto the sewer either. Mr. Dill asked where was the entrance to the development. Mr. Dill stated 212A.

Charles Jones asked if you are surrounded by the town limits does that mean you have to be annexed into the town? Linda Rogers stated no.

Carroll Moore from 212A I echo with Cindy's comments totally.

Michael Bunting stated he was apposed also to multifamily, single family would be o.k.

Beverly White stated she was apposed due to the density, trash, and noise and additional traffic.

Linda Rogers stated any letters received would be incorporated as part of the minutes.

Mike Filicko asked how many single family homes would be permitted on this property?

Bob Kerr stated approximately 18 but you could probably only get 11-12 by the time you add roads.

Bob Kerr also stated sewer service is not available until the new treatment plant is completed. Water service is available in the area. R-3 zoning permits up to 45 units and that is the number you need to review.

Dean Sherman asked what the Comprehensive plan stated Eric Evans stated residential.

Linda asked if commercial allows for multifamily. Bob Kerr stated multifamily was not permitted.

It was asked if R-2 would allow for a greater density. Eric Evans stated R-2 would allow for smaller lots but the density is still one unit per 10,000 sq ft. This would allow clustering but the density would not increase higher than what is permitted in the R-1 zoning.

Dean Sherman stated that even though the proposed use shows 27 units our job is to consider it as 45 units, which would be out of character for the area. The lot is too small for LPD but a consideration for R-2 may give you some creativity. If we would zone it R-3 the density is too much and the bottom lines it is out of our control. The best thing is to annex it in with an R-2 zoning if that is what they would like. R-1 or R-2 but R-2 allows cluster and forward the application to the Town Manager. Dean stated that could be considered a motion. Denny Hughes seconded the motion that if you wish to annex into the Town that it be either R-1 or R-2 zoning. All voted in favor.

Planning and Zoning will act upon the following:

1. Ballybunion L.L.C. – 2-35-20.07 77.00 & 2-35-20.07 76.00

Site plan for 105 & 107 Union Street. Proposed use is Restaurant in the Town Center District, which is a Special Permitted Use

Linda Rogers introduced the application and asked if anyone was present representing the application. Mr. Ellis stated he was representing Ballybunion LLC. Mr. Ellis stated that the Town Council granted a parking waiver and he understands they cannot give a waiver so they are asking for a parking waiver and final site plan approval. Linda Rogers stated the request to go to council was for guidance. Dean Sherman motioned to waive the parking requirement seconded by Herb Dutt. All voted in favor.

Bob Kerr stated that EDU's need to be determined but that should not impact your decision this evening. Also was this an approval for the entire site plan or just the inside seating? Denny Hughes asked if the outside seating was being reviewed. The developer stated he would like the entire site approved for final approval at this time.

Matt Dotterer stated there is no plan to increase the building size except for the kitchen area and the location of the coolers.

Eric Evans asked if the property owners could access their store from their property for deliveries, trash and gas. The developer stated he had permission from Mr. Jones to place the tank but has not granted permission to fill the tanks from his property. We are trying to seek how long the hoses are and the location of the tank.

Dean Sherman made a motion to grant final site plan for the entire site contingent on receiving fire marshal approval and with the conditions that was presented by Matt Dotterer. Seconded by Denny Hughes.

Eric Evans asked Mr. Ellis if he had the property investigated for an easement to Mr. Jones' property. Mr. Ellis stated, there is no easement on 105 Union Street at all. There is one on 107 Union and goes back to the 1920's. He further stated there was nothing titled to 105 at all. Mr. Evans asked then the easement on 107 goes to 105 and the property owner would have an easement to their own property. Mr. Ellis said yes that is correct.

All voted in favor.